

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

GEISINGER HEALTH, et al.,

Defendants.

CIVIL ACTION

NO. 21-4294-KSM

ORDER

AND NOW, this 17th day of October, 2022, upon consideration of Defendants' Motion to Dismiss (Doc. No. 25), Plaintiff the Equal Employment Opportunity Commission's ("EEOC") response (Doc. No. 28), the reply and sur-reply (Doc. Nos. 30, 31), following oral argument, and for the reasons set forth in the accompanying Memorandum, it is **ORDERED** that the motion (Doc. No. 25) is **GRANTED in part and DENIED in part**.

- Specifically, it is **ORDERED** that Geisinger Clinic, Geisinger Health Plan, Geisinger Medical Center, and Geisinger Holy Spirit Hospital are **DISMISSED** as Defendants. It is further **ORDERED** that Plaintiff's disability discrimination and failure to accommodate claims under Title I of the ADA and retaliation claim under Title V of the ADA are **DISMISSED** for failure to state a claim. These dismissals are without prejudice and with leave to amend.
- It is further **ORDERED** that the EEOC has not sufficiently identified a class of aggrieved persons.

- It is further **ORDERED** that the 300-day rule applies to the EEOC and the EEOC has failed to plead a continuing violation.
- The remainder of Defendants' motion to dismiss is **DENIED**.

IT IS SO ORDERED.

/s/ Karen Spencer Marston

KAREN SPENCER MARSTON, J.